

Application No. 10/539,028
Amdt. Dated: May 29, 2009
Reply to Office Action Dated: March 5, 2009

REMARKS/ARGUMENTS

The Examiner is thanked for the Office Action mailed March 5, 2009. The status of the application is as follows:

- Claims 1-20 are pending, claims 1-14 have been amended, and claims 15-20 have been added;
- Claims 1-3 and 5-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lahdesmaki (US 6,553,251) in view of Kasai (US 5,760,688); and
- Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lahdesmaki in view of Kasai and in further view of Menon (US 2002/0151788).

The rejections are discussed below.

The Rejection of Claims 1-3 and 5-14 under 35 U.S.C. 103(a)

Claims 1-3 and 5-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lahdesmaki in view of Kasai. This rejection should be withdrawn because the combination of Lahdesmaki and Kasai does not establish a *prima facie* case of obvious with respect to the subject claims.

The rationale to support a conclusion that the claim would have been obvious is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed. *KSR International Co. v. Teleflex Inc.*, 550 U.S. ____ (2007). MPEP §2143.

"To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). MPEP §706.02(j).

Claim 1 recites a system for non-invasive measuring of a conductivity in a volume, the system comprising: magnetic means arranged as a resonant circuit to induce an oscillating magnetic field in the volume and integrated into an insulating fabric carrier. The system further comprises power supply means arranged to provide a signal characteristic to a power loss of the

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resonant circuit upon an application of the magnetic field to the volume. The combination of Lahdesmaki and Kasai fail to teach or suggest all of the above claim aspects.

The Office asserts that Lahdesmaki at column 7, lines 15-20 teaches magnetic means arranged as a resonant circuit, *arranged to induce an oscillating magnetic field in a volume*. Applicants respectfully traverse this assertion. Lahdesmaki instead discloses a wrist heart rate monitor which contains receiving means 714, which is a magnetic coil for *receiving* electromagnetic pulses (see column 7, lines 15-20), not a resonant circuit arranged to induce an oscillating magnetic field.

The Office concedes that Lahdesmaki fails to teach power supply means arranged to provide a signal characteristic of a power loss of the resonant circuit when the oscillating magnetic field is applied, but asserts that Kasai at Figure 11 makes up for this conceded deficiency. This assertion is respectfully traversed. Kasai discloses a system for measuring impedance (see column 6, lines 49-64), not a signal characteristic of a power loss. In addition, Kasai discloses at Figure 11 a CPU for logically processing the digital signal about the reflection wave level and frequency to execute a discrimination process such as vacancy, baggage and seating of a human body. More particularly, the body sensor disclosed in Kasai includes an oscillator 80 which oscillates a high frequency signal to sensor 60 (scanned in ranged 30MHz-50MHz). The signal is reflected by sensor 60 *where a substance near the detection coil 61 gives the sensor 60 a different impedance due to the difference of permeability or displacement current* of the substance. The CPU 102 discriminates in view of the level and frequency of the reflected wave whether the seat is vacant, seating a human body or holding baggage (see column 6, lines 49-64).

Therefore, the combination of Lahdesmaki and Kasai fail to teach or suggest all the elements of claim 1. Accordingly, the rejection of claim 1 should be withdrawn.

Independent claims 3 and 11 recite aspects similar to those recited in claim 1. As such, the arguments made previously with regards to claim 1 apply *mutatis mutandis* to claims 3 and 11. Hence, the rejection of claims 3 and 11 should be withdrawn.

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Claims 2, 5-10 and 12-14 depend from claims 1, 3 and 11, respectively, and are allowable at least by virtue of their dependencies. Therefore, the rejection of claims 2, 5-10 and 12-14 should be withdrawn.

The Rejection of Claims 4-6 under 35 U.S.C. 103(a)

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lahdesmaki in view of Kasai and further in view of Menon. Claims 4-6 depend from claim 3, and are allowable at least by virtue of their dependencies. Hence, this rejection should be withdrawn.

Amendments to Claims

Claims 1-14 have been amended herein not for matters of patentability but to bring these claims into proper accordance with the rules and procedures of the United States Patent and Trademark Office. Applicants are not conceding in this application that the amended claims were not patentable over the art cited by the Examiner.

New Claims 15-20

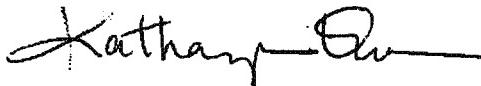
Newly added claims 15-20 emphasize various aspects. No new matter has been added. The combination of Lahdesmaki, Kasai and Menon fail to teach all of the elements of the newly added claims. Entry and allowance of claims 15-20 is respectfully requested.

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Conclusion

In view of the foregoing, it is submitted that the claims distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,



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